Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 7th January 1984 / 17th Pousha 1905 [No. 26

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 19277/Leg. (A)2/83/Law. *Dated, Trivandrum, 7th January, 1984/ 17th Pousha, 1905.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 5th day of January, 1984.

By order of the Governor,

P. P. MATHAI,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/85/MC.

ACT 4 OF 1984

THE KERALA PUBLIC SERVICES (AMENDMENT) ACT, 1983

An Act further to amend the Kerala Public Services Act, 1968.

Preamble.—WHEREAS it is expedient further to amend the Kerala Public Services Act, 1968, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Public Services (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 1st day of October, 1981.

2. *Insertion of new section* 4.—In the Kerala Public Services Act, 1968 (19 of 1968) (hereinafter referred to as the principal Act), after section 3, the following section shall be inserted, namely:—

"4. *Act and rules thereunder to apply to certain persons notwithstanding anything in the Industrial Disputes Act or any other law.*—Notwithstanding anything contained in Chapter VA or in any other provision of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force, or in any judgment, decree or order of any court, the appointment of any person to any public service or post in connection with the affairs of the State of Kerala and the conditions of service (including termination of service) of any person appointed to any such service or post shall be governed by the provisions of this Act and the rules made or deemed to have been made thereunder.".

3. *Repeal and saving.*—(1) The Kerala Public Services (Amendment) Ordinance, 1983 (36 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 479/Leg. (A) 2/84/Law. *Dated, Trivandrum, 7th January, 1984/ 17th Pousha, 1905.*

The following Ordinance promulgated by the Governor on the 7th day of January, 1984 is hereby published for general information.

By order of the Governor,

P. P. MATHAI,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/86/MC.

ORDINANCE No. 13 OF 1984

THE ABKARI (AMENDMENT) ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fourth Year of the Republic of India.

AN

ORDINANCE

further to amend the Abkari Act I of 1077.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Abkari (Amendment) Ordinance, 1983 (37 of 1983), promulgated by the Governor of Kerala on the 1st day of November, 1983 will cease to operate on the 6th day of January, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Abkari (Amendment) Ordinance, 1984.

(2) It shall be deemed to have come into force on the 3rd day of November, 1983.

2. *Act I of* 1077 *to be temporarily amended.*—During the period of operation of this Ordinance, the Abkari Act, I of 1077 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section* 57.—In section 57 of the principal Act, in clause (a),—

(i) for the words "any noxious drug," the words "any drug, other than a noxious drug," shall be substituted;

(ii) after the words "any article prohibited", the brackets and words "(other than an article which the Government shall deem to be noxious)" shall be inserted.

4. *Insertion of new sections 57A and 57B.*—After section 57 of the principal Act, the following sections shall be inserted, namely:—

"57A. *For adulteration of liquor or intoxicating drug with noxious substances, etc.*—(1) Whoever mixes or permits to be mixed any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if, as a result of such act, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if, as a result of such act, death is caused to any person, with death or imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year, but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

Explanation.—For the purposes of this section and section 57B, the expression "grievous hurt" shall have the same meaning as in section 320 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(2) Whoever omits to take reasonable precautions to prevent the mixing of any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if as a result of such omission, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if as a result of such omission, death is caused to any person, with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(3) Whoever possesses any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, knowing that such substance is mixed with such liquor or intoxicating drug shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no person accused or convicted of

an offence under sub-section (1) or sub-section (2) or sub-section (3) shall, if in custody, be released on bail or on his own bond, unless—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

(5) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872),—

(a) where a person is prosecuted for an offence under sub-section (1) or sub-section (2), the burden of proving that he has not mixed or permitted to be mixed or, as the case may be, omitted to take reasonable precautions to prevent the mixing of any substance referred to in that sub-section with any liquor or intoxicating drug shall be on him;

(b) where a person is prosecuted for an offence under sub-section (3) for being in possession of any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, the burden of proving that he did not know that such substance was mixed with such liquor or intoxicating drug shall be on him.

57B. *Order to pay compensation.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the court when passing judgment in a case falling under section 57A may, if it is satisfied that death or grievous hurt has been caused to any person or persons by consumption of liquor or intoxicating drug sold in any place licensed under this Act, order the licensee of that place, whether or not he is convicted of an offence under the said section, to pay, by way of compensation, such amount as it appears to be just, to the legal representatives of the deceased or to the person or persons to whom grievous hurt has been caused.

(2) Any person aggrieved by an order under sub-section (1) may, within ninety days from the date of the order, prefer an appeal to the High Court:

Provided that no such appeal shall lie unless the amount ordered to be paid under sub-section (1) is deposited in the court which passed such order:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.".

5. *Repeal and saving.*—(1) The Abkari (Amendment) Ordinance, 1983 (37 of 1983) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 20178-Leg.C3|83|Law. *Dated, Trivandrum, 7th January, 1984|*
17th Pousha. 1905.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 5th day of January, 1984.

By order of the Governor,

P. P. MATHAI,

Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/93/MC.

ACT 3 OF 1984

THE SUPER CLAYS AND MINERALS MINING COMPANY (PRIVATE) LIMITED (ACQUISITION OF UNDERTAKINGS) ACT, 1983

An Act to provide for the acquisition and transfer of the undertakings of the Super Clays and Minerals Mining Company (Private) Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued production and distribution of china clay which is essential to the needs of the economy of the State, and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS the Super Clays and Minerals Mining Company (Private) Limited has at present the ownership of, and control over, a significant portion of the china clay produced in the State and marketed and distributed in India;

AND WHEREAS the production of china clay by the Company had stopped from the year 1975 resulting in fall in production of the china clay which is essential to the needs of the economy of the State;

AND WHEREAS the Company was not in a position to pay wages to its workers in consequence of which it declared a lay-off with effect from the 13th January, 1975, resulting in the unemployment of about six hundred workers directly employed in the undertakings of the Company;

AND WHEREAS the Government of Kerala with the consent of the share. holders of the Company, took over the management of the Company and declared the Company as a relief undertaking under the provisions of the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962), with effect from the 2nd March, 1976, and entrusted the management of the Company to the Kerala State Industrial Enterprises Limited which is a Government Company;

AND WHEREAS it is expedient in the public interest to acquire the undertakings of the said Company to ensure that the interests of

the general public are served by the continuance, by the undertakings of the Company, of the production and distribution of china clay which is essential to the needs of the economy of the State;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Super Clays and Minerals Mining Company (Private) Limited (Acquisition of Undertakings) Act, 1983.

(2) It shall be deemed to have come into force on the 5th day of November, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date of commencement of this Act;

(b) "Commissioner" means the Commissioner of Payments appointed under section 14;

(c) "Company" means the Super Clays and Minerals Mining Company (Private) Limited, being a company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956) and having its registered office at Cannanore;

(d) "Custodian" means the person or body of persons appointed as Custodian under sub-section (2) of section 8;

(e) "Covernment Company" means the Government Company in which the undertakings of the Company are directed to vest under section 6;

(f) "Hindustan China Clay Works" means the concern known under the name and style "Hindustan China Clay Works, Pappinissery" and includes the proprietors or owners thereof;

(g) "prescribed" means prescribed by the Government by rules made under this Act;

(h) "specified date" means such date as the Government may for the purpose of any provisions of this Act, by notification in the Gazette, specify, and different dates may be specified for different provisions of this Act;

(i) words and expressions used herein and not defined but defined in the Companies Act, 1956 (Central Act 1 of 1956), shall have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. *Transfer and vesting in the Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, the right, title and interest of the Company in relation to its undertakings and, save as otherwise expressly provided in this Act, the liabilities of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and shall vest in, the Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include—

(a) all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, cheques, demand drafts, reserve funds, investments, book debts and all other rights and interests in, or arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of the Company.

(b) all properties, rights and interests of the Hindustan China Clay Works purported to have been transferred to the Company by the Memorandum of Agreement made on the 2nd day of January, 1973, between the Hindustan China Clay Works and the Company; and

(c) all books of account, registers and all other documents of whatever nature relating to the undertakings mentioned in clauses (a) and (b).

(2) Every mortgagee of any property which has vested under this Act in the Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(3) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, from the Government or, where the undertakings of the Company are directed under section 6 to vest in a Government Company, from that Government Company.

(4) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and, on and from the date of vesting of such undertaking under section 6 in a Government Company, such Government Company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Government Company and that Government Company shall hold it for the remainder of the period for which the Company would have held it under the terms thereof.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Government under section 3, instituted or preferred by or against the Company, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted, or enforced by or against the Government, or where the undertakings of the Company are directed, under section 6, to vest in a Government Company, by or against that Government Company.

5. *Government not to be liable for certain prior liabilities.*—No liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Government, or, where the undertakings of the Company are directed under section 6, to vest in a Government Company, against that Government Company.

6. *Power of Government to direct vesting of the undertakings of the Company in a Government Company.*—(1) Notwithstanding anything contained in sections 3 and 4, the Government may, subject to such terms and conditions as they may think fit to impose, direct, by notification in the Gazette, that all the undertakings of the Company and the right, title, interest and liabilities of the

Company in relation to its undertakings which have vested in the Government under section 3, except any undertaking or undertakings specified in the notification and the right, title, interest and liabilities in relation to the undertaking or undertakings so specified, shall, instead of continuing to vest in the Government, vest in a Government Company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title, interest and liabilities of the Company in relation to all or any of its undertakings vest in a Government Company under sub-section (1), the Government Company shall, on and from the date of such vesting, be deemed to have become the owner in relation to the undertaking so vested, and all the rights and liabilities of the Government in relation to such undertaking, shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government Company.

CHAPTER III

PAYMENT OF AMOUNTS

7. *Payment of amount.*—(1) For the transfer to, and vesting in, the Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Government in the manner specified in Chapter VI, an amount of ten lakhs, forty-three thousand, two hundred and forty-five rupees and ninety-seven paise.

(2) The amount specified in sub-section (1) shall carry simple interest at the rate of eight per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Government to the Commissioner.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company specified in the Schedule in relation to its undertakings, which have vested in the Government under section 3, shall be discharged from the amount referred to in sub-section (1) in accordance with the rights and interests of the creditors of the Company.

(4) The liabilities of the Company in relation to its undertakings which have vested in the Government under section 3 and not specified in the Schedule shall be discharged by the Government as and when they fall due for payment:

Provided that the liability assumed by the Government under the head "Vendors Account" shall not exceed the amount shown in the audited balance sheet of the Company as on 31-12-1975.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

8. *Management, etc., of the undertakings of the Company.*—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title, interest and liabilities in relation to which have vested in the Government under section 3, shall,—

(a) where a direction has been made by the Government under sub-section (1) of section 6, vest in the Government Company specified in such direction; or

(b) where no such direction has been made by the Government, vest in a Custodian appointed by the Government under sub-section (2); and thereupon the Government Company or the Custodian, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Government may appoint any individual or body of persons as Custodian of the undertakings of the Company in relation to which no direction has been made by them under sub-section (1) of section 6.

(3) The Custodian shall receive, from the funds of the undertakings of the Company, such remuneration as the Government may fix and shall hold office during the pleasure of the Government.

(4) Notwithstanding anything contained in sub-sections (1) and (2), where any undertaking has been specified in a notification under sub-section (1) of section 6, the Custodian shall not be entitled to exercise any power or to do any other thing in relation to such undertaking.

9. *Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.*—(1) On the vesting of the management of the undertakings of the Company in a Government Company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver to the Government Company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of the Company, or, as the case may be, any part thereof:

Provided that in the case of any undertaking specified in the notification under sub-section (1) of section 6, such assets, books of account, registers and other documents shall be delivered to an officer specified by the Government in this behalf.

(2) The Government may issue such directions as they may deem desirable in the circumstances of the case to the Government Company or the Custodian, and the Government Company or the Custodian may also, if it is considered necessary so to do, apply to the Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

10. *Duty of persons to account for assets, etc., in their possession.*—(1) Any person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to any undertaking owned by the Company, which have vested in the Government or in a Government Company under this Act, and which belong to the Company, or would have so belonged if the undertaking owned by the Company had not vested in the Government or such Government Company, shall be liable to account for the said assets, books, documents and other papers to the Government or the Government Company and shall deliver them upto the Government or the Government Company, as the case may be, or to such person or persons as the Government or the Government Company may specify in this behalf.

(2) The Government or the Government Company may take or cause to be taken all necessary steps for securing possession of the undertakings of the Company which have vested in the Government or the Government Company under this Act.

(3) The Company shall, within such period as the Government may allow in this behalf, furnish to the Government a complete inventory of all its properties, assets and liabilities, as on the appointed day, pertaining to the undertakings which have vested in the Government under section 3, and, for this purpose, the Government or the Government Company shall afford to the Company all reasonable facilities.

11. *Accounts.*—The Custodian shall maintain an account of the undertakings of the Company in such form and manner and under such conditions as may be prescribed.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. *Continuance of employees.*—(1) Every person who has been, immediately before the appointed day, employed in any undertaking of the Company shall become,—

(a) on and from the appointed day, an employee of the Government, and

(b) where the undertakings of the Company are directed under sub-section (1) of section 6 to vest in a Government Company, an employee of the Government Company on and from the date of such vesting, and shall hold office or service under the Government or the Government Company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Government or the Government Company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Government or the Government Company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Government or the Government Company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. *Provident fund and other funds.*—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of the persons employed in any of its undertakings, the monies relatable to the officers or other employees whose services have become transferred by or under this Act to the Government or the Government Company, shall, out of the monies standing on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and shall vest in, the Government or the Government Company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Government or the Government Company, as the case may be, shall be dealt with by the Government or the Government Company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. *Appointment of Commissioner of Payments.*—(1) The Government shall, for the purpose of disbursing the amount payable under section 7, by notification in the Gazette, appoint a Commissioner of Payments.

(2) The Government may appoint such other persons as they may think fit to assist the Commissioner in the exercise of the powers conferred on the Commissioner under this Act.

(3) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of the State of Kerala.

15. *Payment by Government to the Commissioner.*—(1) The Government shall, within sixty days from the appointed day, pay in cash to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in sub-section (1) of section 7; and

(b) an amount equal to the amount of interest determined in accordance with the provisions of sub-section (2) of that section.

(2) A deposit account shall be opened by the Government in favour of the Commissioner in the Public Account of the State and any amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payment has been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall be credited to the Government after settlement of the claims.

16. *Certain powers of the Government or the Government Company.*—The Government or the Government Company, as the case may be, shall be entitled to receive, upto the specified date, to the exclusion of all other persons, any money due to the Company in relation to its undertakings which have vested in the Government or the Government Company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

17. *Claims to be made to the Commissioner.*—Every person having a claim against the Company with regard to any of the matters specified in the Schedule pertaining to any undertaking owned by it shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from prefering the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

18. *Examination and admission or rejection of claims.*—(1) On receipt of the claims made under section 17, the Commissioner shall examine the claims,

(2) After examining the claims with reference to the items specified in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(3) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of a daily newspaper in the English language having circulation in the major part of the State of Kerala and in one issue of any daily newspaper in the Malayalam language, as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(4) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(5) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part:

Provided that the Commissioner shall apportion the amount placed at his disposal in case the total admitted claims are found to be in excess of the amount placed at his disposal.

19. *Power of Commissioner to regulate his procedure, etc.*—(1) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the exercise of his powers and the discharge of his functions under this Act, including the place or places at which he may hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the receipt of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(2) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Central Act 45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

20. *Appeal by claimants.*—A claimant who is dissatisfied with the decision of the Commissioner under section 18 may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated,

21. *Disbursement of money by the Commissioner to claimants.*—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of the Government or the Government Company in respect of such claim shall stand discharged.

22. *Disposal of the balance amount.*—If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall remit such balance to the Government.

23. *Right of Government to retain machinery, equipment, etc., not belonging to the Company.*—Where the possession of any machinery, equipment or other property, has vested in the Government or a Government Company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Government or the Government Company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

24. *Undisbursed or unclaimed amount to be deposited to the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Government, but a claim to any money so transferred may be preferred to the Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

25. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

26. *Penalties.*—Any person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Government or the Government Company; or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company; or

(c) wilfully withholds or fails to furnish to the Government or the Government Company or any person or body of persons specified by the

Government or the Government Company, any document relating to such undertakings, which may be in his possession, custody or control; or

(d) fails to deliver to the Government or the Government Company or any person or body of persons specified by the Government or the Government Company, any assets, books of account, registers or other documents in his possession custody or control, relating to the undertakings of the Company; or

(e) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

27. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

28. *Protection of action taken in good faith.*—(1) No suit, prosecution, or other legal proceeding shall lie against the Government or any officer or other employee of the Government or the Custodian or the Government Company or any officer or other person authorised by the Government, the Custodian or the Government Company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Government or any officer or other employee of the Government or the Custodian or the Government Company or any officer or other person authorised by the Government, the Custodian or the Government Company for any damage

caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

29. *Delegation of powers.*—(1) The Government may, by notification in the Gazette, direct that all or any of the powers exercisable by them under this Act other than the power conferred by section 30 or section 31 may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Government.

30. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (2) of section 4;

(b) the form and manner in which, and the conditions under which, the Custodian shall maintain the accounts as required by section 11;

(c) the manner in which the monies in any provident fund or other fund referred to in section 13 shall be dealt with;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

32. *Repeal and saving.*—(1) The Super Clays and Minerals Mining Company (Private) Limited (Acquisition of Undertakings) Ordinance, 1983 (38 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

THE SCHEDULE

(*See* sections 7, 17, 18 and 22)

1. Paid up Capital of the Company
2. Sundry creditors as on 2-3-1976 (as per audited Balance Sheet as on 31-12-1975)
3. Other liabilities as on 2-3-1976 (as per audited Balance Sheet as on 31-12-1975)
4. Unsecured loans as on 2-3-1976 (as per audited Balance Sheet as on 31-12-1975).

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 7th January 1984 / 17th Pousha 1905 [No. 29

GOVERNMENT OF KERALA

Prospectus for Post-Graduate Degree/Diploma Courses 1983-84 in the Medical Colleges

(Prospectus issued for earlier years are not valid)

No. 7187/B2/83/DME. *Dated, Trivandrum, 6th December,* 1983.

1. The details of the courses and the seats available in different Golleges thereof.—

Sl. No.	*Name of Course*	*Number of Seats*		
		Trivandrum	*Kottayam*	*Calicut*
1.	M. D. Anaesthesia	4	1	1
2.	M. D. Biochemistry	2	..	2
3.	M. D. Forensic Medicine	2	..	2
4.	M. D. Dermatology & Venereology	2	3	2
5.	M. D. General Medicine	13	8	6
6.	M. D. Microbiology	2	..	2
7.	M. D. Obstetrics & Gynaecology	8	2	4
8.	M D. Pathology	6	3	2
9.	M. D. Pharmacology	4	..	2

Sl. No.	Name of Course	Number of Seats		
		Trivandrum	Kottayam	Calicut
10.	M. D. Physiology	2	2	3
11.	M. D. Paediatrics	3	3	3
12.	M. D. Psychiatry	..	..	2
13.	M. D. Radio Diagnosis	2	..	..
14.	M. D. Radiotherapy	2	..	..
15.	M. D. Social & Preventive Medicine	3	..	2
16.	M. D. T. B. & Respiratory Diseases	2	..	2
17.	M. S. Anatomy	2	..	2
18.	M. S. E.N.T.	2	..	2
19.	M. S. General Surgery	20	2	6
20.	M. S. Opthalmology	4	2	2
21.	M. S. Orthopaedics	4	..	2
	Diploma Courses			
1.	Diploma in Anaesthesia	8	6	2
2.	Diploma in Child Health	6	6	6
3.	Diploma in Clinical Pathology	3	..	4
4.	Diploma in Dermatology and Venereology	..	..	2
5.	Diploma in Laryngology and Otology	8	..	3
6.	D.M.R.D.	2	..	2
7.	D.M.R.T.	2	..	2
8.	Diploma in Obstetrics and Gynaecology	12	6	8
9.	Diploma in Opthalmology	3	4	6
10.	Diploma in Orthopaedic Surgery	8	..	4
11.	Diploma in Physical Medicine and Rehabilitation	4	..	..
12.	Diploma in Psychiatric Medicine	6	..	..
13.	Diploma in Public Health	12	..	..
14.	D.T.C.D.	2	..	2

2. *Eligibility for Admission.*—(a) Candidates should have passed the M.B.B.S. Degree of Kerala/Calicut University or of any other University recognised by the Kerala and Calicut Universities as equivalent thereto with eligibility for full registration in respect of all courses.

(b) Only Indian Citizen of Kerala origin are eligible for admission to the P. G. Course. The candidates in order to prove that they are Indian

citizens of Kerala origin have to produce certificates from the Village Officer/ Tahsildar to show that he/she or his/her parent (Father/Mother) has been a resident of the Kerala State for three years within a continuous period of 5 years or has owned or possessed landed property or house in Kerala State or a certificate of education from the Principal of the Medical College in the State where he/she has studied.

3. *Reservation of Seats.*—(a) 10% of the seats in each subject of the Post Graduate Course will be reserved for admission to Scheduled Caste/Scheduled Tribes Candidates. They should produce certificate from the Village Officer of the Village concerned to the effect that he/she belongs to SC/ST in the form appended in the application form. Selection to these seats will be made on the basis of merit at the entrance examination.

(b) 40% of the seats in each subjects of the Post Craduate Diploma Courses except Psychiatry and Physical Medicine and Rehabilitation and 10% of the seats in each of the subject of the clinical post graduate degree course shall be reserved for Assistant Surgeon, Civil Surgeon, etc., of the Healtb Services including Medical Officers in the Employees State Insurance Scheme under the Covernment. 20% of the seats in the Diploma courses in Psychiatry and Physical Medicine and Rehabilitation will be reserved for the above category.

(1) 50% of the seats will be on the basis of seniority of service as shown in their service certificates which should indicate clearly the dates on which their service commences duly certified by an officer not below the rank of Deputy Director of Health Services. In the case of Medical Officers under the E.S.I. Scheme the certificate should be obtained from the Administrative Medical Officer, E.S.I. Scheme.

(2) 50% of the seats will be on the basis of length of rural service as shown by their rural service certificates which should clearly indicate their rural service dates duly certified by an officer not below the rank of Deputy Director of Health Services.

Note:— 1. Full time service in Primary Health Centres of Government Dispensaries under the Health Services Department, Rural Dispensaries under the E.S.I. Scheme, the Unpopular Speciality of Casualty Service, T. B. Centres and Leprosy Hospitals, Family Planning Wing and C.D. Hospitals in the State will be considered as rural service for the above purpose.

(c) 30% of the seats each in the P.G. Degree Course and 20% of the seats in the P.G. Diploma Courses in Psychiatry, Physical Medicine and Rehabilitation will be reserved for Tutors in Medical Colleges, under the Covernment. Selection to the seats will be on the basis of seniority in service. Tutors in regular service in particular speciality will be considered against these reserved seats, i. e., a Tutor in Surgery will be eligible for consideration against the

reserved seats in M. S. General Surgery and not in M.D. Tutor applicants should sent their service certificates clearly indicating the dates from which their service commences in each cadre duly certified by the appointing authority.

Note:— (1) Among tutors the following categories of Tutors will be considered for the subjects noted against each:—

1.	Tutor in Neurology	Medicine
2.	Tutor in Gastroenterology	,,
3.	Tutor in Cardiology	,,
4.	Tutor in Nephrology	,,
5.	Tutor in Infectious Diseases	,,
6.	Tutor in T. B. Medicine	Medicine/T.B. & R.D.
7.	Tutor in Neurosurgery	Surgery
8.	Tutor in Plastic Surgery	,,
9.	Tutor in Paediatric Surgery	,,
10.	Tutor in Genito Urinary Surgery	,,
11.	Tutor in Thorasic Surgery	,,
12.	Tutor in Traumatic Surgery	,,
13.	Tutor in Blood Bank	Pathology/Microbiology
14.	Tutor in Physical Medicine	Surgery/Orthopaedics.

(2) The Assistant Professors and above in Psychiatry, Radiology and Physical Medicine will be considered for selection to the P.G. Degree Courses in Psychiatry, Radiology and Surgery/Orthopaedics on the basis of their seniority in the category of Tutor. No separate quota is earmarked.

4. Admission to the P.C. Course except those coming under clause 3 (b) and 3 (c) shall be made on the basis of an Entrance Examination conducted by the Commissioner for Entrance Examination. The minimum marks to be obtained at the Entrance Examination is 45% for General merit candidates and 35% for S.C./S.T. candidates. Admission will be based on merit as shown in the results of the entrance examination.

5. Service candidates in clauses 3 (b) & (c) are also entitled to appear for the Entrance Examination, if they so desire against the open competition quota.

6. If the Selection Committee feels any doubt about any certificate furnished by the candidates such certificates will be accepted only if found correct on further verification.

7. Admission even if given will be cancelled if it is found later that false certificates have been produced or that the admissions have been secured by fraudulant means.

8. *Duration of the Course.*—The duration of the course is 3 years in case of the Degree Courses and 2 years in the case of Diploma Courses. A reduction of one year may be given on request to eligible candidates as per the relevant university regulations in force from time to time.

9. *Payment of fees.*—(subject to modifications if any)

1.	Registration fee	Rs. 10
2.	Annual tuition fee	Rs. 650 per annum for Degree Course Rs. 500 for Diploma Course
3.	Miscellaneous fee	Rs. 60.25
4.	Caution Deposit	Rs. 100 (for recovery towards breakages of loss of laboratory equipments, books etc.)
5.	University Registration fee	Rs. 100
6.	Van fee	As per orders issued by Government from time to time.

Note:—The tuition fees once paid for a particular course will not be refunded or adjusted against another course.

10. Every candidate admitted to the Post-Graduate Course in the Medical Colleges will have to execute a bond in the appended form at the time of admission to the effect that he/she shall pay to Government a sum of Rs. 1000 (Rs. one thousand only) towards liquidated damages in the event of his/her interrupting or discontinuing the course at any time after one month from the date of admission to the course.

Note:—A candidate leaving one course to join another course in the same year or a candidate leaving one course to take up employment in the Kerala Government Service will not be liable to pay the liquidated damages.

11. The selection list will be valid only for 6 months from the date of publication. The validity period may be extended by the Government if necessary. Additional seats sanctioned during the validity of the select list will be filled up from the list.

12. *Entrance Examination.*—The entrance examination will consist of two parts, containing objective type questions. Part I will cover questions on all the subjects of MBBS Examination level (First MBBS, 2nd MBBS and Final MBBS) and Part II will consist the questions on the subject at the MBBS level for which the candidates have applied for admission. The duration of Part I Examination will be 2 hours and Part II will be one hour. The maximum marks in each paper, the schedule of the examination etc., will be notified at the appropriate time.

13. In case there is a tie in the total aggregate of marks obtained at the entrance examination, it will be resolved as follows:—

(a) Marks for Part I will be excluded and the candidate with the higher marks in Part II will be ranked higher.

(b) Whenever two candidates are found equal on an assessment of their merit, even after resolution as above preference will be given to the candidate who has done one year senior house surgeoncy or one year Tutorship/Demonstrationship in the concerned subject or who has engaged in the Medical Practice for a minimum period of three years.

(c) "If the tie still remains those with higher percentage of total marks obtained for all the subjects put together in the first, second and third M.B.B.S. University Examinations will be ranked higher".

14. Application forms can be had from the Principals, Medical Colleges, Alleppey, Calicut, Kottayam, Trichur and Trivandrum on payment of Rs. 100 at the cash counter or Rs. 105 by Money Order for which a receipt will be issued in T. R. Form No. V. Money Order coupons not containing the full address of the applicant will not be accepted. Money Orders will be accepted in the Offices of the Principals upto only five days ahead of the last date fixed for receipt of applications. Postal Orders, Cheques and drafts will not be accepted.

A candidate can apply admission to not more than three P. G. Degree courses and three Diploma Courses. For each additional course applied for, an extra fee of Rs. 50 should be paid. The application form will be a common one and each candidate should indicate the order of preference of the courses so chosen in the application form. Amount paid will not be refunded on any account. The amount paid includes examination fees. Receipts received for amounts paid should be attached to the application form.

15. *How and when to apply.*—The application form correctly filled in together with the following documents should be sent by registered post to the Commissioner for Entrance Examinations, Trivandrum-695041 before the time and date notified by the Commissioner. Late and defective applications will not be considered by the Commissioner for Entrance Examinations under any circumstances. The candidates will have to produce on demand any other certificate/record that may be prescribed by Government or for this matter by the Director of Medical Education, Trivandrum. The application forms are common for general merit and reserved quotas for S.C./S.T., Health Services and Tutors. Application forms for Health Services and Tutors quotas should be clearly superscribed "Application for Health Services/Tutors quota".

16. *Certificate to be produced.*—In all cases true copies/photostats duly attested of the following documents have to be produced:—

(a) Receipts of amount paid for application form.

(b) Pass Certificate.

(c) House Surgeoncy (Internship) Certificate.

(d) Medical Registration Certificate.

(e) Service Certificates as provided in Rule 3 (b) and (c) wherever necessary.

(f) S.S.L.C. (Page 3) for verification of community in case of Scheduled Caste/Scheduled Tribe candidates.

(g) Passport size photographs (affixed at the space provided).

(h) Certificate of residence or ownership of land or education.

(i) Any other certificates required along with the application.

17. The Commissioner for Entrance Examinations will prepare and publish the select and waiting lists of the candidates whose selection is based purely on merit as assessed at the entrance examination and forward the lists to the Director of Medical Education.

18. A Selection Committee consisting of the Special Secretary, Health (Chairman), Director of Medical Education (Convener), Director of Health Services and Principals of Medical Colleges will prepare the select and waiting lists of the reserved categories under Clause 3 (b) and (c). The Director of Medical Education will publish the list.

19. The Director of Medical Education will allot the selected candidates to the different colleges as per the seats available.

20. The decision of the Director of Medical Education shall be final in all matters regarding selection.

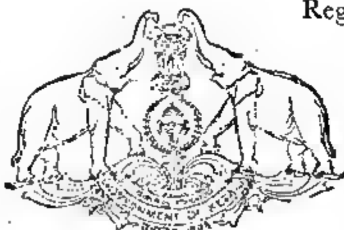
Directorate of Medical Education,
Trivandrum.

DR. C. V. KORAH,
Director of Medical Education.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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PROSPECTUS

for Admission to Post Graduate Course in the Dental College attached to the Medical College, Trivandrum 1983-'84

1. The details of courses and the seats available in the Dental College, Trivandrum thereof:

Sl. No.	*Name of Courses*	*Number of Seat*
1.	M. D. S. in Prosthetic Dentistry	2
2.	M. D. S. in Oral Surgery	2
3.	M. D. S. in Orthodontics.	2
4.	M. D. S. in Periodontics	2
5.	M. D. S. in Operative Dentistry	2
6.	M. D. S. in Oral Pathology	2

2. *Eligibility for Admission*

(a) A candidate for admission to M. D. S. Course shall be required to have taken Degree of Bachelor of Dentistry of Kerala University or any other University recognised by the Kerala University as equivalent and have passed the B. D. S. Degree or equivalent qualification with not less than one year's experience in clinical/teaching including House Surgeoncy/Senior House Surgeoncy. Those who have no such experience should have passed B.D.S. not less than two years' previous to the date of the notification inviting applications appearing in the Gazette.

33/95/MC.

(b) Only Indian citizens of Kerala origin are eligible for admission to the P. G. Course. The candidates in order to prove that they are Indian citizens of Kerala origin have to produce certificates from the Village Officer/ Tahsildar to show that he/she or his/her parent (Father/Mother) has been a resident of the Kerala State for three years within a continuous period of 5 years or has owned or possessed landed property or house in Kerala State or a Certificate of education from the Principal of the Medical College in the State where he/she has studied.

(c) The above seats will be pooled together. 50% of the seats in each of the subjects shall be in the general merit.

(d) Only those who are qualified as per clause (a) above on 30-7-1983 or before are eligible to apply.

3. *Reservation of seats*

(a) 10% of the seat in any branch or branches will be reserved for S.C./ S.T. candidates. They should produce certificate from the Village Officer of the village concerned to the effect that he/she belongs to S.C./S.T. in the form appended to the application form. Selection to these seats will be made on the basis of merit at the Entrance Examination.

(b) 10% of the seats will be reserved for Dental Surgeon under Health Services Department. Selection will be strictly on the basis of seniority. They shall produce Service Certificate indicating the number of completed year of regular service under Government issued by an Officer of Government not below the rank of Deputy Director of Health Services.

(c) 30% of the seats will be reserved for Tutors in Dentistry. Selection to these seats will be on the basis of seniority. Tutors in regular service in a particular speciality will be considered against the reserved seats in that particular speciality only.

4. Admission to the P. G. Course (M. D. S.) except those coming under clause 3(b) and 3(c) shall be made on the basis of an Entrance Examination conducted by the Commissioner for Entrance Examination. The minimum marks to be obtained at the Entrance Examination is 45% for General merit candidates and 35% for S.C./S.T. candidates. Admission will be based on merit as shown in the results of the Entrance Examination.

5. Service candidates in clause 3(b) and (c) are also entitled to appear for the Entrance Examination, if they so desire against the open competition quota.

6. If the Selection Committee feels any doubt about any certificate furnished by the candidate such certificates will be accepted only if found correct on further verification.

7. Admission even if given will be cancelled if it is found later that false certificates have been produced or that the admissions have been secured by fraudulant means.

8. *Duration of the course*

The duration of the course will be two academic years.

9. *Payment of Fees*

(i) Tuition fees—Rs. 650 per annum (subject to modification)
(ii) Registration fees—Rs. 10 per annum
(iii) Van fees—as prescribed by the Government
(iv) Miscellaneous fee—Rs. 58.25 for the first year and Rs. 57.25 for the second year
(v) Caution deposit (Refundable)—Rs. 100 (for the recovery of breakages, or loss of lab. equipments, tools, etc.)

Note:—The tuition fees once paid for a particular course will not be refunded or adjusted against another course.

10. Every candidate admitted to the P. G. Course in the Dental College will have to execute a bond in the appended form at the time of admission to the effect that he/she shall pay to Government a sum of Rs. 1000 (Rupees one thousand only) towards liquidated damages in the event of his/her interrupting or discontinuing the course at any time after one month from the date of admission to the course.

Note:—A candidate leaving one course to join another course in the same year or a candidate leaving one course to take up employment in the Kerala Government Service will not be liable to pay the liquidated damages.

11. The selection list will be valid only for 6 months from the date of publication. The validity period may be extended by the Government if necessary.

12. *Entrance Examination*

The Entrance Examination will consist of two parts, containing objective type questions. Part I will cover questions on all the subjects of B. D. S. Examination level (First B. D. S., 2nd B. D. S., 3rd B. D. S. and Final B. D. S.) and Part II will consist of the questions on the subject at the B. D. S. level for which the candidates have applied for admission. The duration of Part I Examination will be 2 hours and that for Part II will be one hour. The schedule of the examination, etc., will be notified at the appropriate time.

13. In the case there is a tie in the total aggregate marks obtained at the Entrance Examination, it will be resolved as follows:—

(a) Marks for Part I will be excluded and the candidate with the higher marks in Part II will be ranked higher.

(b) When over two candidates are found equal on assessment of the merit, even after resolution as above preference will be given to the candidate who has done one year House Surgeoncy or one year Tutorship/Demonstrationship in the concerned subject.

(c) "If the tie still remains, those with higher percentage of total marks obtained for all the subjects put together in the first, second and third B. D. S. University Examinations will be ranked higher".

14. Application forms can be had from the Principal, Medical College, Trivandrum on payment of Rs. 100 at the cash counter or Rs. 105 by Money Order for which a receipt will be issued. Money Order coupons not containing the full address of the applicant will not be accepted. Money Orders will be accepted in the office of the Principal, Medical College, Trivandrum upto only five days ahead of the last date fixed for receipt of applications. Postal Orders, cheques and drafts will not be accepted.

A candidate can apply admission to not more than three P. G. Degree (M. D. S.) Courses. For each additional course applied for, an extra fee of Rs. 50 should be paid. The application form will be a common one and each candidate should indicate the order of preference of the courses so chosen in the application form. Amount paid will not be refundable on any account. The amount paid includes examination fees. Receipts received for amounts paid should be attached to the application form.

15. *How and when to apply*

The application form correctly filled in together with the following documents should be sent by registered post to the Commissioner for Entrance Examination, Trivandrum-695041 before the time and date notified by the Commissioner. Late and defective applications will not be considered by the Commissioner for Entrance Examinations under any circumstances. The candidate will have to produce on demand any other certificate/record that may be prescribed by Government or for this matter by the Director of Medical Education, Trivandrum. Application forms will be common for general merit and reserved quotas for S.C./S.T. Health Services and Tutor quotas be clearly superscribed. "Application for Health Services/Tutor Quotas".

16. *Certificate to be produced*

In all cases true copies/Photostat of the following documents have to be produced duly attested:—

(a) Receipt of amount paid for application form

(b) Pass Certificate

(c) House Surgeoncy/Senior House Surgeoncy certificate

(d) Dental Registration Certificate.

(e) Service certificate as provided in clause 3 (b) and (c) wherever necessary.

(f) S.S.L.C. (Page 3) for verification of community in case of S.C./S.T. candidates.

(g) Passport size photographs (affixed at the space provided).

(h) Certificate of residence or ownership of land or education.

(i) Any other certificates required along with the application.

17. The Commissioner for Entrance Examinations will prepare and publish the select and waiting lists of the candidates whose selection is based purely on Merit as assessed at the entrance examination and forward the lists to the Director of Medical Education.

18. A selection Committee consists of the Secretary to Government, Health (Chairman), Director of Medical Education (Convener), Director of Health Services and Director & Professor, Dental College, Trivandrum/Calicut, Senior most Professor/Associate Professor as the case may be in the respective departments (Member).

19. The Director of Medical Education will allot the selected candidates to the Dental College, Trivandrum as per the seats available.

20. The decision of the Director of Medical Education shall be final in all the matters regarding selection.

Directorate of Medical Education,
Trivandrum, 6-12-1983.

Dr. C. V. Korah,
Director of Medical Education.

APPENDIX I

(*Vide para* 10)

(50 Rupees Kerala Stamp Paper)

KNOW ALL MEN BY THEM PRESENTS that we .... residing at..................................hereinafter called the 'Bounden' (which expression shall unless excluded by or repugnant to the context include his heirs, executors, administrators and legal representatives and......................and..............hereinafter called the first surety and second surety respectively (which expression shall unless excluded by repugnant to the context include their respective heirs, executors, administrators and legal representatives) bind ourselves jointly and severally to pay to the Governor of Kerala (hereinafter called the Government) on demand and without demur a sum of Rs.......................the probable amount that Government may have to spend for paying stipend to the Bounders and a further sum of Rs..................................as liquidated damages.

Signed this ....day of................ in the year one thousand nine hundred and eighty-three by the Bounden Shri................................ ....

In the presence of witnesses:

1.

2.

WHEREAS the bounden has been under the (H.E. the name of the rules which will form part of this deed as if incorporated herein, hereinafter called the Rules, selected to undergo the course of study in Government have agreed to give the bounden a stipend of Rs. 400 (Four hundred only) per month sanctioned in G. O. Ms. 90/80/PD dated 29-3-1980 for the study of...... at the ....on condition of his executing a bond supported by two sureties on the terms appearing hereinafter which the Bounden has agreed to do.

Now the condition of the above written obligation is that in the event of the Bounden not conforming to or observing the rules and conditions regarding the progress of his study or interrupting or discontinuing his course, at any time after a period of one month from the date of admission or participating a strike or leave the training course on account of indiscipline or misconduct on his part or failing to serve the Government for a period of five years if required to do so within a period of six months after qualifying

for full registration after completing the course, or for other reasons not considered valid and satisfactory by the Secretary to Government of Kerala, Health Department whose decision in this behalf shall be final, the bounden and the sureties shall jointly and severally pay and refund to the Government on demand and without demur all the amount spent on the Bounden on account of the said course of studies, together with the liquidated damages of Rs. 1,000. The decision of the Secretary to Government of Kerala, Health Department as to the commission of a breach or as to any indiscipline or misconduct on the part of the Bounden as also the amount of compensation payable and as to whether the Bounden has or has not performed and observed the conditions and bonded obligations under these presents shall be final and binding on the Bounden and the sureties.

And upon making such payment, the above written obligation shall be void and of no effect, but otherwise it shall remain in full force and virtue.

It is further agreed and declared that in the event of the Bounden being unsuccessful in any of the qualifying examinations conducted in the said institute, the Government may at their discretion, withhold the payment of stipend for the prosecution of further studies and the decision of the Secretary to the Government of Kerala, Health Department in this behalf shall be final and binding:

Provided further that the Bounden and the sureties do hereby agree that all sums found due to the Government under or by virtue of this bond may be recovered (jointly and severally) from them and their properties, movable and immovable as if such sums were arrears of land revenue under the Provisions of the Revenue Recovery Act for the time being in force or in such other manner as the Government may deem fit.

It is agreed that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or any forbearance, act or omission of the Government (whether with or without the knowledge or consent of the sureties) in respect of or in relation to the several obligations and conditions to be performed or discharged by the bounden or by any other matter or thing whatsoever which, under the law relating to sureties, shall but for this provision have the effect of releasing the sureties from such liability, nor shall it be necessary for the Government to sue the bounden before suing either of the sureties for amounts due hereunder.

It is agreed that the expense of stamp duty to this document shall be borne by the bounden.

IN WITNESS WHEREOF the bounden.................................
and .... and...................... sureties have put their respective hands the day and year here in above written.

Signed by the bounden in the presence of

Witness:—

1.

2.

(Signature of the Bounden)

Signed by...

(Signature of the first surety)

Signed by ....

(Signature of the second surety)

In the presence of witness:—

1.

2.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1984.

Government of Kerala
1984

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 7th January 1984 / 17th Pousha 1905 [No. 31

GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATIONS

No. 62267/G3/83/HD. *Dated, Trivandrum, 26th December,* 1983.

(I)

S. R. O. No. 29/84.—In exercise of the powers conferred by sub-section (1) of section 9 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of Notification No. 857/G3/80/HD-I dated the 27th February, 1980 published as S.R.O. No. 245/80 in the Kerala Gazette Extraordinary No. 139 dated the 5th March, 1980, the Government of Kerala hereby appoint Shri A.V. Sankara Narayanan, Health Inspector, Grade-I of Trichur Municipality to be a Food Inspector for the purposes of the said Act and assign to him the area within the Trichur Municipality as the local area within which he shall exercise his powers under the said Act.

(II)

S. R. O. No. 30/84.—In exercise of the powers conferred by sub-section (1) of section 20 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of Notification No. 857/G3/80/HD-II dated the 27th February, 1980, published as S.R.O. No. 246/80 in the Kerala Gazette Extraordinary No. 139 dated the 5th March, 1980, the Government

of Kerala hereby authorise Shri A. V. Sankara Narayanan appointed as Food Inspector under sub-section (1) of section 9 of the said Act in the Trichur Municipality to institute prosecution for offences under the said Act within his jurisdiction.

By order of the Governor,

M. G. K. MURTHY,

Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

Shri A. V. Sankara Narayanan, Health Inspector, Grade-I has to be appointed as Food Inspector in the Trichur Municipality. It is necessary to appoint him as Food Inspector for the purpose of the Prevention of Food Adulteration Act and to authorise him to institute prosecution under the Act. The Notifications are for the above purpose.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

Government of Kerala
1984



Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 7th January 1984 / 17th Pousha 1905 [No. 33

GOVERNMENT OF KERALA

Agriculture (Forest Miscellaneous) Department

NOTIFICATION

G.O.(MS)No.3/84/AD. *Dated, Trivandrum, 5th January,* 1984.

S. R. O. No. 33/84.—In exercise of the powers conferred by sub-section (1) of section 6 of the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972) and in supersession of the Notification G. O. (MS) No. 306/82/AD dated 22nd October, 1982 published as S. R. O. No. 1261/82 in the Kerala Gazette Extraordinary No. 738 dated the 22nd October 1982, and the Notification G. O. (MS) No. 352/82/AD dated the 15th December, 1982 published as S. R. O. No. 1550/82 in the Kerala Gazette, extraordinary dated the 15th December, 1982 the Government of Kerala hereby constitute the Wild Life Advisory Board for the State consisting of the following members, namely:—

1. Minister in charge of Forests—*Chairman*
2. Shri K. Raghavan Master, Member, Kerala Legislative Assembly, Kariampathy House, P. O. Kalanadikelly (via) S. Battery.
3. Shri K. K. Thomas, Member, Kerala Legislative Assembly, Thomas House, Elappara.
4. Secretary to Government, Forest Department.
5. Chief Conservator of Forests (Development) Ex-Officio.

6. Deputy Director, Government of India, Department of Environment Wild Life Preservation, Southern Region, Madras.
7. Chief Wild Life Warden, Ex-Officio.
8. Inspector General of Police (Law & Order).
9. Chairman, Kerala State Electricity Board.
10. Prof. M. K. Prasad, Botany Department, Maharajas College, Ernakulam.
11. Regional Secretary, Southen Region of the Indian Board for Wild Life.
12. Shri Samar Singh, Chairman, High Range Game Preservation Association, Munnar.
13. Secretary, High Range Wild Life Society, Munnar.
14. Shri M. P. Krishnan Nair, Kizhakkum Bhagom, Pinarayi P.O., Cannanore District.
15. Shri P. J. Poulose, Payyanadan, P.O. Mannarghat, Palghat District.
16. Shri George Joseph Podipara, Mannanam P.O., Ettumanoor, Kottayam District.
17. Shri P. V. Narayanan, Uliyil P.O., Eritti, Cannanore District.
18. Shri E. M. Padmanabhan Nambiar, Chavasseri P.O., Mattanur (via) Cannanore District.

Under sub-section (2) of section 6 of the said Act, the Government hereby appoint the Chief Wild Life Warden as the Secretary of the said Board.

By order of the Governor,

S. GOPALAN,

Agricultural Production Commissioner and

Secretary (Agriculture & Forests).

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

In the Notification issued in G.O. (MS) No.307/80/AD dated 21st August 1980, and published as S.R.O.No.843/80 in the Kerala Gazette No. 38 dated the 23rd September, 1980, the Government constituted a Wild Life Advisory Board for the State. The term of office of the members of the Board referred to in the above notification has expired. Government consider it necessary to reconstitute the State Wild Life Advisory Board afresh. The Notification is intended to achieve the above object.

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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-C) Department

NOTIFICATION

No. 19755-Leg. C1/83/Law. *Dated, Trivandrum, 7th January, 1984/ 17th Pousha, 1905.*

The following Ordinance promulgated by the Governor on the 6th day of January, 1984, is hereby published for general information.

By order of the Governor,

P. P. MATHAI,
Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

33/84/MC.

ORDINANCE No. 12 OF 1984

THE GANDHIJI UNIVERSITY ORDINANCE, 1984

Promulgated by the Governor of Kerala in the Thirty-fourth Year of the Republic of India.

AN

ORDINANCE

to establish and incorporate a University at Kottayam by the name Gandhiji University.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Gandhiji University Ordinance, 1983 (34 of 1983), promulgated by the Governor of Kerala on the 1st day of October, 1983, will cease to operate on the 6th day of January, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Ordinance may be called the Gandhiji University Ordinance, 1984;

(2) It shall be deemed to have come into force on the 2nd day of October, 1983.

33/84/MC.

2. *Definitions.*—In this Ordinance unless the contexr otherwise requires,—

(1) "Academic Council" means the Academic Council of the University;

(2) "affiliated college" means a college affiliated to the University in accordance with the provisions of this Ordinance and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(3) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 20 and declared by the Statutes to be the annual meeting of the Senate;

(4) "Appellate Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 67;

(5) "Board of Studies" means a Board of Studies of the University;

(6) "Chancellor" means the Chancellor of the University;

(7) "college" means an institution maintained by, or affiliated to the University, in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(8) "department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;

(9) "educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;

(10) "faculty" means a faculty of the University;

(11) "Government college" means a college maintained by the Government and affiliated to the University;

(12) "hostel" means a unit of residence for the students of the University, or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Ordinance or the Statutes or Ordinances;

(13) "non-teaching staff" of the University or a college means the employees of the University or that college, other than teachers;

(14) "prescribed" means prescribed by the Statutes, Ordinances, Regulations, rules or bye-laws made under this Ordinance.

(15) "principal" means the head of a college;

(16) "private college" means a college maintained by an educational agency other than the Government or the University and affiliated to the University;

(17) "Pro-Chancellor" means the Pro-Chancellor of the University;

(18) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;

(19) "recognised institution" means an institution for research or special studies, other than an affiliated college, recognised as such by the University;

(20) "registered graduates" means graduates registered under the provisions of this Ordinance and the Statutes and includes graduates deemed to be registered graduates;

(21) "Senate" means the Senate of the University;

(22) "State" means the State of Kerala;

(23) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;

(24) "student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognised institutions;

(25) "Students' Council" means the Students' Council of the University;

(26) "Syndicate" means the Syndicate of the University;

(27) "teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor, or such other person imparting instruction or supervising research in any of the colleges or recognised institutions and whose appointment has been approved by the University;

(28) "teacher of the University" means a person employed as teacher in any institution maintained by the University;

(29) "University" means the Gandhiji University constituted under this Ordinance,

(30) "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;

(31) "University Fund" means the Gandhiji University Fund established under sub-section (1) of section 45;

(32) "Vice-Chancellor" means the Vice-Chancellor of the University.

Chapter II

THE UNIVERSITY

3. *The University.*—(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the Gandhiji University.

(2) The headquarters of the University shall be at Kottayam.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Territorial limits.*—(1) The jurisdiction of the University shall extend to the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State.

(2) No educational institution situated beyond the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

5. *Powers of the University.*—Subject to the provisions of this Ordinance, the University shall have the following powers, namely:—

(i) to provide for instruction and training in such branches of learning as the University may deem fit and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to institute degrees, titles, diplomas and other academic distinctions;

(iii) to hold examinations and to confer degrees and other academic distinctions on persons who—

(a) shall have pursued a prescribed course of study in a college under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or

(b) shall have carried on research under prescribed conditions and which has been duly evaluated;

(iv) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(v) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;

(vi) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case;

(vii) to supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;

(viii) to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition;

(ix) to exercise such control over the students as will ensure their physical and moral well-being;

(x) to constitute a Board to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges, who may for any reason be aggrieved otherwise than by an act of any court;

(xi) to fix the fees payable to the University and to demand and receive such fees;

(xii) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognised institutions affiliated to the University;

(xiii) with the previous sanction of the Government, to regulate the emoluments and pattern and to prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(xiv) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes and to organise exhibitions;

(xv) to institute and provide funds wherever necessary for the maintenance of—

(a) a Students' Advisory Bureau;

(b) an Employment Bureau;

(c) a University Union for Students;

(d) University Athletic Clubs;

(e) the National Cadet Corps;

(f) the National Service Corps;

(g) University Extension Boards;

(h) Students' Cultural and Debating Societies;

(i) a Translation and Publication Bureau; and

(j) co-operative societies and other similar institutions for promoting the welfare of students and employees of the University;

(xvi) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;

(xvii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;

(xviii) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;

(xix) to direct, manage and control all immovable and movable properties transferred to the University by the Government;

(xx) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognised by the University;

(xxi) to define the powers and duties of the officers of the University other than the Vice-Ghancellor;

(xxii) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;

(xxiii) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;

(xxiv) to affiliate to itself colleges in accordance with the provisions of this Ordinance and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;

(xxv) to institute professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other teaching and research posts;

(xxvi) to establish, maintain and manage hostels;

(xxvii) with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security and rate of interest, to borrow any sum of money from the Gentral Government, any other Government, the University Grants Gommission or any other incorporated body; and

(xxviii) generally to do such other acts as may be required to further the aims and purposes of this Ordinance.

6. *University open to all classes and creeds.*—No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University:

Provided that the University may, in consultation with the Government, affiliate any college or recognise any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

Chapter III

THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE UNIVERSITY

7. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) All the authorities of the University shall be subordinate to the Chancellor and shall be subject to his control.

(4) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Ordinance, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(5) The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(6) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.

(9) The Chancellor shall, before passing any order on an appeal under sub-section (7) refer the matter for advice to a Tribunal appointed by him for the purpose.

(10) The Chancellor shall have power to remove the Vice-Chancellor or the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor or the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(11) The Chancellor shall have such other powers as may be conferred on him by this Ordinance or the Statutes.

8. *The Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

9. *Officers of the University.*—The following shall be the officers of the University, namely:—

(i) the Vice-Chancellor;

(ii) the Pro-Vice-Chancellor;

(iii) the Registrar;

(iv) the Controller of Examinations;

(v) the Finance Officer; and

(vi) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

10. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation as hereinafter provided of a Committee appointed by him for the purpose (hereinafter referred to as the Committee).

(2) The Committee shall consist of three members, one elected by the Senate, one nominated by the Chairman of the University Grants Commission and the third nominated by the Chancellor.

(3) The Chancellor shall appoint one of the members of the Committee to be its convener.

(4) The Committee shall make its recommendation within a period of three months of its appointment.

(5) In case the Committee unanimously recommends the name of only one person, the Chancellor shall appoint that person to be the Vice-Chancellor.

(6) In case the Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by the Committee within the period specified in sub-section (4).

(7). In case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6), each member of the Committee may submit one name to the Chancellor within the period specified in sub-section (4), and the Vice-Chancellor shall be appointed by the Chancellor, from among the persons whose names have been so submitted.

(8) Non-submission of a name under sub-section (7) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(9) No person who is more than sixty years of age shall be appointed as Vice-Chancellor.

(10) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(11) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor.

(12) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(13) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, the Students' Council and the Finance Committee and shall be entitled to be present at and to address any meeting

of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(14) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, at which the Vice-Chancellor is the Chairman, he shall have and exercise a casting vote.

(15) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Ordinance, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(16) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to, the University.

(17) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Ordinance, the Vice-Chancellor may take such action as he deems fit and shall, at the next session of the Syndicate or the Academic Council, as the case may be, report the action taken by him to that authority for such action as it may consider necessary.

(18) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Deputy Registrar:

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.

(19) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(20) Notwithstanding anything contained in this Ordinance or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(21) Any person nominated by the Vice-Chancellor under sub-section (20) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(22) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Ordinance, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

(23) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(24) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

(25) In the event of a permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of the Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

11. *The Pro-Vice-Chancellor.*—(1) The Chancellor may, if he considers it necessary, appoint a Pro-Vice-Chancellor.

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Pro-Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be determined by the Chancellor.

(6) Subject to the provisions of this Ordinance and the Statutes, Ordinances and Regulations, the powers and functions of the Pro-Vice-Chancellor shall be determined by the Chancellor in consultation with the Vice-Chancellor.

12. *The Registrar.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Registrar of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Registrar shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) Suits by or against the University shall be instituted by or against the Registrar.

13. *The Controller of Examinations.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Controller of Examinations shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

14. *The Finance Officer.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Finance Officer shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. *Appointments to be notified.*—The appointments of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations and the Finance Officer shall be notified in the Gazette.

Chapter IV

AUTHORITIES OF THE UNIVERSITY

16. *Authorities of the University.*—The following shall be authorities of the University, namely:—

(i) the Senate;

(ii) the Syndicate;

(iii) the Academic Council;

(iv) the Faculties;

(v) the Board of Studies;

(vi) the Students' Council;

(vii) the Finance Committee; and

(viii) such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

17. *Senate.*—The Senate shall consist of the following members, namely:—

Ex-Officio Members

(1) The Chancellor.

(2) The Pro-Chancellor.

(3) The Vice-Chancellor.

(4) The Pro-Vice-Chancellor.

(5) The Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him.

(6) The Director of Public Instruction.

(7) The Director of Collegiate Education.

(8) The Secretary to Government or the Additional Secretary to Government, General Education Department, to be nominated by the Government.

(9) The Secretary to Government or the Additional Secretary to Government, Higher Education Department, to be nominated by the Government.

(10) The Director of Technical Education.

(11) The Director of Medical Education.

(12) The Chairman, State Advisory Board of Education.

(13) The Chairman, Kottayam Municipality.

(14) Seven heads of University departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(15) Four Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(16) The Chairman of the University Union.

Elected Members

(1) Eleven principals elected from among themselves of whom two shall be from among principals of Government Colleges, one from among principals of professional colleges and one from among principals of junior colleges.

(2) Twenty-five members, not being persons eligible to be elected under item (1), (4), (5), (6), (9), (10), (11) or (12) or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Kerala University Act, 1974 or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Calicut University Act, 1975, elected by the registered graduates from among themselves, of whom one shall be a member of a Scheduled Caste, one shall be a member of a Scheduled Tribe, one shall be the holder of a medical degree and one shall be the holder of an engineering degree.

(3) Six members elected by the members of the Legislative Assembly of Kerala from among the members representing the electorate of the University area, of whom one shall be a member of a Scheduled Caste.

(4) Three members elected by the teachers of the University from among themselves.

(5) Three members elected by the teachers of Government colleges from among themselves.

(6) Twelve members elected by the teachers of private colleges from among themselves.

(7) Three members elected by the Mayors of Municipal Corporations, the Chairmen of municipalities and the presidents of panchayats within the University area from among themselves, of whom one shall be the Mayor of a Municipal Corporation or the Chairman of a municipality.

(8) Two members elected by the registered Trade Unions in the University area designated by Statutes, from among their members.

(9) One member elected by the members of the non-teaching staff of the University from among themselves.

(10) Three members elected by the members of the non-teaching staff of the affiliated colleges from among themselves of whom one shall be a member of the non-teaching staff of a Government College.

(11) Three members elected by the managers of the private colleges in the University area from among themselves.

(12) Ten members elected by the members of the General Council of the University Union from among full-time students, of whom one shall be a post-graduate student, one shall be a research scholar, one shall be the student of a professional college and one shall be a lady student.

Other Members

(1) Two headmasters of High Schools and two teachers of schools, situated within the University area, nominated by the Chancellor.

(2) Not more than nine members nominated by the Chancellor representing (i) recognised research institutions; (ii) recognised cultural associations; (iii) chambers of commerce; (iv) industries; (v) authors; (vi) journalists; (vii) lawyers; (viii) sports; and (ix) linguistic minorities.

(3) Four students nominated by the Chancellor, one having outstanding academic ability in humanities, one having outstanding ability in science, one having outstanding ability in sports and one having outstanding ability in fine arts.

18. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) The term of office of any member referred to in items (14) and (15) under the heading "*Ex-officio* Members" in section 17 shall be two years from the date of his nomination.

(3) Every member of the Senate, other than *ex-officio* members, shall, subject to the provisions of this Ordinance and the Statutes, hold office until the next reconstitution of the Senate:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate:

Provided further that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate *ex-officio*, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment, and such choice shall be final:

Provided also that the term of office of a member referred to in item (12) under the heading "Elected Members" in section 17 or of a member referred to in item (3) under the heading "Other Members" in that section shall be one year from the date of his election or nomination, as the case may be.

Explanation.—For the removal of doubts it is hereby clarified that a member referred to in the preceding proviso shall not cease to be such member solely on

the ground that he has ceased to be a student within the period of one year specified in that proviso.

(4) Notwithstanding anything contained in the first proviso to sub-section (3), a principal elected under item (1), or a teacher of a Government college elected under item (5), or a teacher of a private college elected under item (6), or a member of the non-teaching staff of an affiliated college elected under item (10), under the heading "Elected Members" in section 17 shall not cease to be a member of the Senate merely on the ground—

(a) that he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) that the college of which he is the principal or in which he is a teacher or a member of the non-teaching staff has been transferred to another University; or

(c) in the case of a teacher, that he has been promoted as principal.

(5) Notwithstanding anything contained in this Ordinance or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 17 shall cease to be a member of the Senate merely on the ground that he has ceased to be employed or normally resident within the territorial limits of the University.

(6) On failure of a member to make the choice under the second proviso to sub-section (3), he shall be deemed to have vacated his office as an elected or nominated member.

(7) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

19. *Powers and functions of the Senate.*—(1) Subject to the provisions of sub-section (3) of section 7, the Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Ordinance, the Statutes, the Ordinances or the Regulations, and shall exercise all the powers of the University not otherwise provided for by this Ordinance or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Ordinance the Senate shall have the following powers, namely:—

(a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

(c) to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council:

Provided that no Regulation shall be cancelled or amended by the Senate without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

(d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Ordinance and the Statutes, Ordinances and Regulations;

(e) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary:

Provided that no professorship, readership, lecturership or other teaching or research post shall be instituted by the Senate without the previous approval of the Government if it involves expenditure in excess of the budgetary provision;

(f) to establish and maintain such institutions as it may from time to time deem necessary;

(g) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University;

(h) with the previous concurrence of the Government, to regulate the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(j) to cancel any degree, diploma, title or any other distinction granted to any person in accordance with the provisions of the Statutes;

(k) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;

(l) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of

members required for the transaction of business by the authorities of the University other than the Senate;

(m) to recommend to the Government the recognition of any local area within the University area as a University centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Ordinance and the Statutes.

20. *Meetings of the Senate.*—(1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.

(2) One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate:

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit and shall, within thirty days of the receipt of a requisition in writing signed by not less than one-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

(4) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

21. *The Syndicate.*—The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:—

Ex-officio Members

(a) The Vice-Chancellor.

(b) The Pro-Vice-Chancellor.

(c) The Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(d) The Director of Collegiate Education.

(e) The Director of Public Instruction.

Other Members

(a) Twelve members elected by the Senate from among themselves, of whom: (i) two shall be principals of first grade colleges; and (ii) four shall be teachers who are not principals, of whom one shall be a University teacher and one shall be a teacher of a Government college.

(b) One member elected by the Senate from among the members referred to—

(i) in item (16) under the heading "Ex-officio Members";

(ii) in item (12) under the heading "Elected Members"; and

(iii) in item (3) under the head "Other Members",

in section 17.

(c) One member belonging to a Scheduled Caste elected by the Senate from among themselves.

22. *Term of office of members of Syndicate.*—(1) Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of four years from the date of their election:

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that electorate or the holder of that office:

Provided further that the member referred to in item (b) under the heading "Other Members" in section 21 shall hold office for a period of one year from the date of his election or till he ceases to be a member of the Senate, whichever is earlier:

Provided also that a member other than an *ex-officio* member shall, notwithstanding the expiration of his term, continue to hold office until his successor is elected:

Provided also that no person other than an *ex-officio* member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in sub-item (i) of item (a) under the heading "Other Members" in section 21, or referred to in sub-item (ii) of that item who is a teacher of a private college or a Government College, shall not cease to be such member merely on the ground that—

(a) he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) the college of which he is the principal or in which he is a teacher has been transferred to another University; or

(c) in the case of a teacher, he has been promoted as principal.

23. *Powers of Syndicate.*—Subject to the provisions of this Ordinance and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

(i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Ordinance and the Statutes;

(ii) to make Ordinances and to amend or repeal the same;

(iii) to propose Statutes for the consideration of the Senate;

(iv) to hold, control and administer the properties and funds of the University;

(v) to direct the form, custody and use of the common seal of the University;

(vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;

(vii) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;

(viii) to appoint teachers and other employees of the University and prescribe their duties;

(ix) to create administrative, ministerial and other necessary posts:

Provided that no administrative or ministerial post, the minimum of the scale of pay thereof exceeds four hundred rupees per mensem, shall be created by the Syndicate without the prior approval of the Government:

Provided further that no post shall be created by the Syndicate without the prior approval of the Government if creation of such post involves expenditure in excess of the budgetary provision;

(x) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;

(xi) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;

(xii) to award fellowships, scholarships, studentships, bursaries, medals and prizes;

(xiii) to exercise supervision and contorl over the residence and discipline of students;

(xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;

(xv) to conduct University examinations and approve and publish the results thereof;

(xvi) to appoint members to the Boards of Studies;

(xvii) to approve panel of examiners and to fix their remuneration;

(xviii) to approve the appointment of teachers in private colleges;

(xix) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;

(xx) to arrange for and direct the investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them and in case of disregard of such instructions, to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;

(xxi) to withhold or cancel the result of any candidate at any University examination;

(xxii) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfer shall be reported to the Senate at its next meeting;

(xxiii) to exercise the powers of the University under clause (xxvii) of section 5;

(xxiv) to exercise such other powers and perform such other duties as may be prescribed by this Ordinance, the Statutes, the Ordinances, the rules, the bye-laws and the orders.

24. *The Academic Council.*—(1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Ordinance and the Statutes, have the control and general regulation, and be responsible for the maintenance of standards, of instruction, education and examinations within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(3) The Academic Council shall consist of the following members, namely:—

(a) tbe Vice-Chancellor;

(b) the Pro-Vice-Chancellor;

(c) the Director of Public Instruction;

(d) the Director of Technical Education;

(e) the Director of Collegiate Education;

(f) the Director of Research and Studies;

(g) the Director of Physical Education;

(h) the Director of Medical Education;

(i) the Deans of Faculties;

(j) the General Secretary of the University Union;

(k) all the Heads of University Departments of Study and Research, who are not Deans of Faculties;

(l) all members of the Syndicate who are not otherwise members of the Academic Council;

(m) five members (other than Deans of Faculties) of whom at least one shall be a principal of a Government professional college, elected by the principals of professional colleges from among themselves;

(n) seven members (other than Deans of Faculties) of whom at least one shall be a principal of a Government college, elected by the principals of first grade colleges, other than colleges of oriental languages, from among themselves;

(o) two members (other than Deans of Faculties) elected by the principals of junior colleges from among themselves;

(p) one principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Chancellor by rotation according to seniority;

(q) one member each of every subject of study (not being a Dean of Faculty or head of a University Department or principal) elected by the teachers of that subject from among themselves;

(r) one headmaster and one teacher of a secondary school in the University area nominated by the Chancellor;

(s) one member representing each faculty, elected by the full-time post-graduate students of the faculty from among themselves;

(t) five external experts to be nominated by the Chancellor.

(4). Members of the Academic Council, other than the members specified in clauses (a) to (h) of sub-section (3), shall hold office for a term of four years from the date of their appointment or nomination, as the case may be:

Provided that a person who has become a member of the Academic Council in the capacity of a student shall cease to hold office on his ceasing to be a student.

25. *Powers and duties of Academic Council.*—Subject to the provisions of this Ordinance and the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

(i) to advise the Senate and the Syndicate on all academic matters;

(ii) to make Regulations and to amend or repeal the same;

(iii) to prescribe the courses of studies in the institutions maintained by, or affiliated to, the University;

(iv) to prescribe the qualifications of teachers—

(a) in colleges; and

(b) in the institutions maintained by the University;

(v). to prescribe the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;

(vi) to make provision for the admission of students to the various courses of studies on the basis of merit, in order to maintain standards of education;

(vii) to make proposals for the instruction and training in such branches of learning as it may think fit;

(viii) to make proposals for research and advancement and dissemination of knowledge;

(ix) to make proposals for the institution of professorships, readerships, lecturerships and other teaching and research posts required by the University;

(x) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(xi) to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University;

(xii) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University;

(xiii) to arrange for the co-ordination of studies and teaching in affiliated colleges and recognised institutions;

(xiv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Ordinance or the Statutes, Ordinances, Regulations, rules, or bye-laws.

26. *Faculties.*—(1) The University may have such faculties as may be prescribed by the Statutes from time to time.

(2) Each faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such faculty by the Ordinances or Regulations.

(3) Each Faculty shall consist of—

(a) the Chairman of the Boards of Studies comprised in the faculty;

(b) two members elected from each Board of Studies; and

(c) not less than five and not more than ten members nominated by the Syndicate.

(4) Each faculty shall comprise such departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Ordinance each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) The members of faculties mentioned in sub-section (3) shall hold office for a period of three years from the date of their nomination or election, as the case may be.

27. *Deans of faculties.*—(1) There shall be a Dean of each faculty, who shall be nominated by the Chancellor in consultation with the Vice-Chancellor.

(2) The Dean of each faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and bye-laws relating to that faculty.

(3) The Dean of a faculty shall hold office for a term of two years and shall be eligible for renomination.

28. *Boards of Studies.*—(1) There shall be a Board of Studies attached to each Department of Study in the University:

Provided however that post-graduate studies in each department may have separate Board of Studies.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

(3) Members of the Boards of studies shall hold office for a period of three years from the date of their entering upon office.

29. *Students' Council.*—(1) There shall be a Students' Council in the University.

(2) The Students' Council shall consist of the following members, namely:—

Ex-officio Members

(a) The Vice-Chancellor who shall be the Chairman of the Council.

(b) The Chairman of the University Union.

(c) The General Secretary of the University Union.

(d) The Director, National Cadet Corps.

(e) The Officer-in-charge of the National Service Scheme in the University.

(f) The Director of Physical Education.

(g) The Director of Youth Affairs who shall be the Vice-Chairman of the Council.

Elected Members

(a) Ten members, not being members of the Senate or the Academic Council, elected by the members of the General Council of the University Union from among themselves, of whom two shall be women.

(b) Three members elected from among the full-time students of the departments of the University in such manner as may be prescribed.

(c) Two members, other than students, elected by the members of the Senate from among themselves.

(d) One member elected by the members of the Syndicate from among themselves.

(e) One member elected by the members of the Academic Council from among themselves.

Other Members

Five students who have distinguished themselves in academic field, sports or fine arts, nominated by the Vice-Chancellor after giving due consideration to the representation of special interests.

(3) A member nominated by the Vice-Chancellor in consultation with the Chairman of the University Union, from among the elected student members of the Council shall be the Secretary to the Council.

(4) The members of the Students' Council other than *ex-officio* members shall hold office for a term of one year from the date of their election or nomination, as the case may be.

30. *Powers and duties of Students' Council.*—(1) Subject to the provisions of this Ordinance and the Statutes, the Students' Council shall have the following powers, duties and functions, namely:—

(a) to make recommendations to the Syndicate and to the Academic Council in matters affecting the academic work of the students, such as the structure of courses and pattern of instruction, the corporate life of the University in so far as it concerns the students, and the co-curricular and extra-curricular activities in the University;

(b) to make suggestions to the Syndicate and the Academic Council in respect of all rules relating to discipline or welfare of the students, sports, working of literary and other societies, management of hostels, student homes and non-resident student centres, extension work, social work, students' health, National Service Scheme and National Cadet Corps and such other matters as may be specified in the Statutes;

(c) to communicate its views, observations and recommendations to any authority of the University in respect of any matter which concerns the students:

Provided that if any question arises as to whether a matter does or does not concern the students, the question shall be decided by the Chairman of the Students' Council and his decision shall be final;

(d) to take such steps as are necessary for the general welfare of students;

(e) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Ordinance or the Statutes, Ordinances or Regulations.

(2) The Vice-Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by the Statutes, periodical reports detailing the recommendations and suggestions made by the Students' Council and the action taken thereon by the authorities to which such recommendations and suggestions were made.

31. *Finance Committee.*—(1) There shall be a Finance Committee to give advice to the University on any question affecting its finances.

(2) The Finance Committee shall consist of the following members, namely:—

(a) the Vice-Chancellor, who shall be the Chairman;

(b) the Pro-Vice-Chancellor, if any;

(c) one member elected by the members of the Senate from among themselves;

(d) one member elected by the members of the Syndicate from among themselves;

(e) one member elected by the members of the Academic Council from among themselves;

(f) the Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him;

(g) the Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) The powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

32. *Other authorities of University.*—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the University shall be prescribed by the Statutes.

33. *Disqualifications for membership.*—(1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he—

(a) is below twenty-five years of age; or

(b) is of unsound mind or a deaf-mute; or

(c) is an undischarged insolvent; or

(d) has been convicted by a court of law of an offence involving moral delinquency; or

(e) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination:

Provided that clause (a) shall not apply to a person elected or nominated in the capacity of a student to any of the said authorities:

Provided further that the disqualification of a person under clause (e) shall cease on the expiry of the period for which he has been debarred.

(2) If any question arises as to whether any person is disqualified under sub-section (1), the question shall be referred to the Chancellor and his decision thereon shall be final.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS, RULES AND BYE-LAWS

34. *The Statutes.*—Subject to the provisions of this Ordinance, the Statutes may provide for all or any of the following matters, namely:—

(a) the powers and duties of the officers of the University, not specifically provided for in this Ordinance;

(b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Ordinance;

(c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;

(d) the award of degrees, diplomas, titles, certificates and other academic distinctions by the University;

(e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;

(f) the maintenance of a register of registered graduates;

(g) the holding of convocations to confer degrees;

(h) the conditions and procedure for affiliation of colleges;

(i) the conferment of honorary degrees;

(j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(k) all other matters which by this Ordinance are to be, or may be, prescribed by Statutes.

35. *Procedure for making Statutes.*—(1) The Senate may of its own motion take into consideration the draft of a Statute:

Provided that, in any such case, before a Statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part, together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub-section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate, it shall be submitted to the Chancellor who may refer the Statute back to the Senate for further consideration or assent thereto or withhold his assent:

Provided that a Statute or amendment to a Statute passed by the Senate which involves expenditure from the University Fund shall be submitted to the Government who shall forward the same to the Chancellor with their views thereon.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(8) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

36. *Ordinances.*—Subject to the provisions of this Ordinance and the Statutes, the Syndicate shall bave power to make Ordinances providing for all or any of the following matters, namely:—

(a) the levy of fees in colleges and other institutions, by the University;

(b) the residence and discipline of students;

(c) the workload and pattern of teaching staff in colleges;

(d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University:

Provided that no special pay or allowance or extra remuneration of any description whatsoever including *ex-gratia* payment or other benefits having financial implication shall be granted to any officer, teacher or other employee of the University without the prior approval of the Government; and

(e) all other matters which by this Ordinance or the Statutes are to be, or may be, provided for by the Ordinances.

37. *Procedure for making Ordinances.*—(1) All Ordinances made under this Ordinance sball have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during the next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

(3) Subject to the provisions of sub-sections (1) and (2), the procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(4) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be submitted to the Government who shall forward the same to the Chancellor with their views.

(5) No Ordinance or amendment to any Ordinance including repeal of an Ordinance which involves expenditure shall be valid or come into force unless assented to by the Chancellor.

38. *Regulations.*—Subject to the provisions of this Ordinance, Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

(a) the courses of studies and the conduct of examinations;

(b) the admission of students to the various courses of study and to the examinations.

(c) the qualifications of teachers;

(d) the appointment and prescription of duties of the Boards of Studies and examiners;

(e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(f) all other matters which under the provisions of this Ordinance, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

39. *Procedure for making Regulations.*—(1) All Regulations made under this Ordinance shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

40. *Rules, bye-laws and orders.*—(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Ordinance, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Ordinance or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

41. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Ordinance shall be published in the Gazette.

Chapter VI

ELECTION TO THE SENATE, THE SYNDICATE AND THE OTHER BODIES OF THE UNIVERSITY, FILLING UP OF VACANCIES AND RESIGNATION, REMOVAL ETC., OF MEMBERS OF AUTHORITIES AND BODIES

42. *Election of members to the Senate, Syndicate and other bodies of the University.*— The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such election shall be by secret ballot.

43. *Filling up of vacancies.*—(1) All vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated, as the case may be, would have been entitled to hold office if the vacancy had not occurred.

44. *Resignation or removal of members of any authority or body.*—(1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two-thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral delinquency or punished by the University for malpractice connected with any University examination from the register of registered graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority or body may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

Chapter VII

FINANCE

45. *University Fund.*—(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The Gandhiji University Fund" and shall be employed for the purposes, and in the manner laid down in this Ordinance and in the Statutes, Ordinances, rules, bye-laws and orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Gandhiji University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries upto such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Gandhiji University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(4) The custody of the Gandhiji University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

46. *Grants from Government.*—(1) The University shall receive as grants for its maintenance such sums, subject to such conditions as may be fixed by the Government, from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

47. *Annual estimates of income and expenditure.*—(1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such date as may be prescribed by the Statutes and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

48. *Funds earmarked for a purpose not to be diverted without prior approval of Government.*—The University shall not,—

(a) without the prior approval of the Government,—

(i) divert funds earmarked for a purpose for any other purpose; or

(ii) implement any scheme which involves any matching contribution from the State Government; or

(b) implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

49. *Annual accounts.*—(1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

50. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the Table of the State Legislative Assembly.

51. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the Auditors and report the action taken to the Government.

(8) On consideration of a report of the auditors under this section the Government may, if they consider it necessary so to do, direct the University to comply with the provisions of sub-section (7) within such period as may be specified in the direction and the University shall comply with such direction.

CHAPTER VIII.

PRIVATE COLLEGES AND AFFILIATION OF COLLEGES

52. *Definitions.*—In this Chapter—

(a) "corporate management" means an educational agency which manages more than one private college;

(b) "unitary management" means an educational agency which manages a private college.

53. *Governing body for private college under unitary management.*—(1) A unitary management shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:—

(a) the manager of the private college;

(b) the principal of the private college;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of the private college from among themselves;

(f) the Chairman of the College Union;

(g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and

(h) not more than six persons nominated by the unitary management.

(2) The manager of the private college shall be the Chairman of the governing body.

(3) It shall be the duty of the governing body to advise the unitary management in all matters relating to the administration of the private college, in accordance with the provisions of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

54. *Managing council for private colleges under corporate management.*—(1) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:—

(a) the manager of the private colleges;

(b) one principal by rotation in such manner as may be prescribed by the Statutes;

(c) a person nominated by the University in accordance with provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges, from among themselves;

(f) a person elected by the Chairman of the College Unions of all the private colleges, from among themselves;

(g) one person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of all the private colleges from among themselves; and

(b) not more than fifteen persons nominated by the corporate management.

(2) The manager of the private colleges shall be the chairman of the managing council.

(3) It shall be the duty of the managing council to advise the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

55. *Manager.*—(1) A unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, under its management within the University area.

(2) the appointment or removal of the manager shall be intimated to the University by the unitary management or the corporate management, as the case may be.

(3) It shall be the duty of the manager to give effect to the decisions of the unitary management or the corporate management, as the case may be.

(4) The manager shall exercise such powers and discharge such duties as may be delegated to him by the unitary management or the corporate management, as the case may be.

(5) The manager shall furnish to the Director of Collegiate Education audited accounts of the grants given by the Government to the private college or all the private colleges, as the case may be, of which he is the manager, within such time as may be specified by the Director of Collegiate Education in that behalf.

(6) Suits by or against a private college shall be instituted by or against the manager thereof.

(7) If the manager of a private college is guilty of mismanagement, malpractice, corruption or maladministration, gross negligence of duty or disobedience of instructions issued by the Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry, declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(8) Failure on the part of the manager to furnish accounts to the Director of Collegiate Education as required by sub-section (5) within the specified date or within such further time as may be allowed by the Director of Collegiate Education shall be sufficient cause for taking steps for the withdrawal of the grant to the private college or private colleges, as the case may be.

(9) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college or the continuance in office of a person declared unfit under sub-section (7) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college.

56. *Acts or proceedings of governing body or managing council not to be invalidated.*—No act or proceeding of a governing body or managing council shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the governing body or managing council; or

(b) any defect in the appointment of a person acting as a member of the governing body or managing council; or

(c) any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

57. *Affiliation of colleges.*—(1) An application for affiliation to the University of any college or for affiliation in new courses in any affiliated college shall be sent by the educational agency to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college or of affiliation in new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.

(3) Without prejudice to the generality of the provisions of sub-section (2), such Statutes may provide for the pattern of staff, scales of pay and terms and conditions of service of members of the staff and admission and selection of students for courses and examinations.

58. *Appointment of teachers in private colleges.*—(1) Appointments to the lowest grade of teacher in each department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointments of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.

(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum-fitness.

(4) Appointments to the posts, other than those referred to in sub-sections (1) and (2), shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be on the basis of seniority-cum-fitness, or, if none among them is fit for promotion, by direct recruitment.

(5) For making appointment under this section by direct recruitment, the post shall be advertised in such manner as may be prescribed by the Statutes.

(6) Notwithstanding anything contained in sub-sections (1) and (4), a teacher discharged from a private college on or after the 14th day of March, 1974, due to abolition of a course of study in that college or for any other reason except disciplinary action against him shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area.

(7) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(8) Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(9) Every appointment under this section shall be reported to the University for approval.

(10) Any person aggrieved by any appointment under this section may appeal to the Appellate Tribunal.

59. *Qualifications of teachers.*—(1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgement, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer of the University of Kerala under the Kerala University Act, 1974 (17 of 1974), before the commencement of this Ordinance shall be deemed to have been made by the authority competent to make such decision or order under this Ordinance as if this Ordinance had been in force at the time when such decision or order was made, and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

60. *Probation.*—(1) Teachers of private colleges shall be on probation for a period of one year within a period of two years:

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation:—Probation undergone by a teacher before the commencement of this Ordinance shall be deemed to be probation for the purposes of this sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Ordinance shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion.

(4) Any probationer discharged or reverted under sub-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency, shall confirm the teacher in the post and if the vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post.

(8) A probationer who is discharged or reverted under sub-section (6) or who is discharged or reverted before the prescribed period of probation otherwise than on the ground of want of vacancy shall be entitled to appeal against the order of discharge or reversion to the Appellate Tribunal and the provisions of section 61 shall, *mutatis mutandis* apply to such appeals.

61. *Conditions of service of teachers of private colleges.*—(1) Notwithstanding anything contained in any law or in any contract or other document, the conditions of service, of teachers of private colleges, whether appointed before or after the commencement of this Ordinance including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement, shall be such as may be prescribed by the Statutes.

(2) No teacher of a private college shall be kept under suspension by the educational agency except when disciplinary proceedings are initiated against him.

(3) When a teacher of a private college is suspended for a period exceeding fifteen days, the matter, together with the reasons for the suspension, shall be reported to the Vice-Chancellor.

(4) Any disciplinary proceedings initiated under sub-section (2) shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor after hearing the parties concerned.

(5) No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(6) Any teacher aggrieved by an order imposing on him any of the following penalties, namely:—

(a) withholding of increment;

(b) recovery from pay of any pecuniary loss caused to the institution or the monetary value equivalent to the amount of increment ordered to be withheld;

(c) reduction to a lower rank in the seniority list or to a lower grade or post; and

(d) dismissal from service,

may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal on any one or more of the following grounds, namely:—

(i) that there is want of good faith in passing the order;

(ii) that the order is intended to victimise the appellant;

(iii) that in passing the order, the educational agency has been guilty of a basic error or violation of the principles of natural justice;

(iv) that the order is not based on any material or is perverse:

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period of sixty days if it is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(7) On receipt of an appeal under sub-section (6), the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary, pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

(8) Any order passed by the Appellate Tribunal under sub-section (7) may be executed through the Subordinate Judge's Court having jurisdiction over the area in which the private college is situate as if it were a decree passed by that court.

(9) Any person who objects to an order passed by the Appellate Tribunal under sub-section (7) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition accompanied by court fee stamps of the value of ten rupees to the High Court on the ground that the Appellate Tribunal has either decided erroneously, or failed to decide, any question of law.

(10) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to any proceedings under sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such order on the petition, as it deems fit.

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

62. *Disciplinary powers of Government over teachers of private colleges.*—(1) Notwithstanding anything contained in this Ordinance or in the Statutes, Ordinances or Regulations and subject to such rules as may be made by Government in this behalf, the Government or such officer not below the rank of Deputy Director of Collegiate Education, as may be authorised by the Government in this behalf, shall have power to take disciplinary proceedings against a teacher of a private college and to impose upon him all or any of the penalties specified by or under this Ordinance:

Provided that before exercising the powers under this sub-section, the Government or the authorised Officer, as the case may be, shall intimate the manager regarding the circumstances requiring disciplinary action against the teacher concerned and give the manager a reasonable opportunity of taking disciplinary action, and the Government or the authorised Officer, as the case may be, shall take disciplinary action against the teacher only if the manager fails to take appropriate disciplinary action.

(2) The Government or the officer authorised under sub-section (1), as the case may be, may suspend a teacher of a private college when any disciplinary proceedings is proposed to be taken against him under that sub-section or when such disciplinary proceedings are pending.

63. *Past disputes relating to service conditions of teachers.*—Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgment, decree or order of any court or other authority any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Ordinance shall be decided under and in accordance with the provisions of this Ordinance and the Statutes made thereunder.

64. *Membership of Local Authorities, etc.*—A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

65. *Non-teaching staff of private colleges.*—(1) The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

(2) Subject to the provisions of sub-section (1), the method of appointment, pay and other conditions of service of the non-teaching staff of private colleges shall be such as may be prescribed by the Statutes.

66. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Gandhiji University and also under the jurisdiction of the Kerala University or the Calicut University, the educational agency shall within three months of the commencement of this Ordinance or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Gandhiji University or the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the

Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

67. *Constitution of Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Ordinance.

(2) The Appellate Tribunal shall be a judicial officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Ordinance with the previous sanction of the Government for regulating its procedure and disposal of its business.

(5) The regulations so made shall be published in the Gazette.

(6) The remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

68. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Ordinance required to be settled, decided or dealt with or to be determined by any authority or person under this Ordinance.

69. *Private Colleges to comply with provisions of Chapter within six months.*—All private colleges existing in the University area immediately before the commencement of this Ordinance and affiliated to the University shall, within a period of six months from such commencement, comply with the provisions of this Chapter.

70. *Colleges not complying with provisions of this Ordinance.*—(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Ordinance or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University:

Provided that before disaffiliating a college, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Ordinance or of the Statutes. Ordinances, Regulations, bye-laws,

orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government:

Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

71. *Code of Conduct for teachers of affiliated Colleges.*—(1) The Government shall, in consultation with the University and the representatives of the teachers, frame a Gode of Gonduct to be observed by the teachers of Government and Private Golleges.

(2) Any teacher of a Government or private college who contravenes any of the provisions of the Gode of Gonduct shall be liable for disciplinary action which may involve the imposition of a major penalty.

Explanation.—Derecognition of a teacher by the University shall be deemed to be a major penalty for the purposes of sub-section (2).

72. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any institution maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section(1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Senate or the Syndicate in the matter,

issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions within such time as may be specified in the directions.

73. *Appointment of Commission to inquire into the working of University.*—(1) The Government may at any time and shall, at the expiration of ten years from the commencement of this Ordinance and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

(i) the working of the University during the period to which the inquiry relates;

(ii) the financial position of the University including the financial position of its colleges and departments;

(iii) any change to be made in the provisions of this Ordinance or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and recommendations of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

(5) The Senate shall be responsible for carrying into effect any orders passed by the Government under sub-section (4).

74. *Directions by Government.*—(1) The Government may, after consultation with the Senate, give to the Senate directions of a general nature on matters which are not academic.

(2) In the exercise of its powers and performance of its functions under this Ordinance, the Senate shall not depart from any direction given by the Government under sub-section (1), except with the previous permission of the Government.

75. *Supersession of Senate and Syndicate.*—If—

(a) the Senate persistently and without reasonable cause fails to comply with any direction issued by the Government under sub-section (7) of section 72 or sub-section (1) of section 74 or any order passed by the Government under sub-section (4) of section 73; or

(b) the Syndicate persistently and without reasonable cause fails to comply with any direction issued by the Government under sub-section (7) of section 72, within a reasonable time,

the Government may submit a report to the Chancellor recommending the supersession of the Senate or the Syndicate, as the case may be, and the Chancellor may, if he is satisfied that the Senate or the Syndicate has so failed, order the supersession of the Senate or the Syndicate, as the case may be:

Provided that before making a recommendation under this section, the Government shall give a reasonable opportunity to the Senate or the Syndicate, as the case may be, to show cause why such recommendation should not be made and shall consider the explanations and objections, if any, of the Senate or the Syndicate, as the case may be.

76. *Reconstitution of Senate or Syndicate after supersession.*—Where the Senate or the Syndicate is superseded in pursuance of section 75 it shall be reconstituted within a period of six months from the date of its supersession in the manner provided in section 17 or, as the case may be, section 21.

77. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Ordinance for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Ordinance.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

78. *Reservation of appointments.*—In making appointments by direct recruitment to posts in any class or category in each department under the University or to posts of non-teaching staff in the University, the University shall *mutatis-mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16 and 17 of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

79. *Constitution of Selection Committees.*—(1) The Chancellor shall, in consultation with the Syndicate, constitute separate selection committees for the purpose of selection of candidates for direct recruitment to the posts of—

(i) Professors.
(ii) Readers, Lecturers and other posts not being posts of non-teaching staff.
(iii) Non-teaching staff.

(2) The selection Committees shall consist of—

(a) in the case of the Selection Committee for selection of Professors,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, who is an officer of the Government, to be nominated by the Chancellor,

(iii) two subject experts to be nominated by the Chancellor.

(b) in the case of the Selection Committee for recruitment of Readers, Lecturers and other teaching staff,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, who is an officer of the Government, to be nominated by the Chancellor,

(iii) head of the Department,

(iv) one expert to be nominated by the Chancellor.

(c) in the case of the Selection Committee for recruitment of non-teaching staff,—

(i) Vice-Chancellor.

(ii) A member of the Syndicate nominated by the Chancellor.

(iii) Registrar.

(3) No person shall be directly recruited to the teaching or non-teaching staff of the University except on the recommendation of the concerned Selection Committee constituted under sub-section (1).

(4) The quorum for a meeting of a Selection Committee shall be three.

(5) The procedure to be followed by each Selection Committee for selection of candidates shall be prescribed by the Statutes.

(6) Where the oral test (interview) is proposed to be conducted by the Selection Committee, the Committee shall invite the Head of the Department concerned to be present or to appoint a representative to be present and the Head of Department or his representative so present may take part in the deliberations of the Selection Committee but shall not be entitled to award marks:

Provided that the Selection Committee shall invite, where they consider it necessary, any person or persons with expert knowledge in particular subjects to be present at the interview to assist the Selection Committee but such person or persons shall not be entitled to award marks.

(7) It shall be the duty of the Heads of Departments or their representatives and persons with expert knowledge who are invited to be present at the interview, to be present at the appointed time and co-operate with the Selection Committee in the conduct of the selection.

(8) Any person referred to in sub-section (7) being an employee of the Government or a University in the State who violates the provisions of that sub-section or misbehaves or acts in any manner so as to affect the fair conduct of a selection, shall be deemed to be guilty of misconduct and shall be liable for disciplinary action.

(9) The ranked lists prepared by the Selection Committees shall be published in the notice board of the University and also in the Gazette.

(10) A rank list published under sub-section (9) shall remain in force for a period of one year from the date of such publication and all vacancies arising during the period shall be filled up from the list so published.

(11) Communal rotation shall be followed category-wise treating all the departments as one unit.

(12) The Registrar shall maintain a register containing the list of appointments made indicating the vacancies filled up by open competition and by reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies remaining to be filled up for want of qualified hands from Scheduled Castes, Scheduled Tribes and Other Backward Classes and vacancies carried forward for want of qualified hands under reservation quota for being filled up in future vacancies and such other details as may be specified in the Statutes.

(13) Where the Syndicate proposes to make an appointment otherwise than in accordance with the order of merit arranged by the Selection Committee, it shall record its reasons therefor in writing and submit them to the Chancellor who may approve the proposal or return it to the Syndicate for reconsideration.

(14) After reconsideration in pursuance of sub-section (13), if the Syndicate desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision and the decision of the Chancellor thereon shall be final.

(15) The Chancellor shall have the power to give directions to the Vice-Chancellor to cancel appointments made not in accordance with the provisions of this section:

Provided that before giving a direction under this sub-section the Chancellor shall give to the person so appointed a reasonable opportunity to show cause why such direction should not be given and shall consider his explanations and objections, if any.

80. *Conditions of Service.*—(1) Save as otherwise provided by or under this Ordinance every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned be referred to the Appellate Tribunal for decision, and thereupon, the provisions of sub-sections (7), (8), (9), (10), (11) and (12) of section 61 and the regulations made by the Tribunal under section 67 shall *mutatis mutandis* apply to the decision of such dispute.

81. *Pension, insurance and provident fund.*—With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and provident fund and for such other benefits as it may deem fit in such manner as may be prescribed by the Ordinances.

82. *Proceedings of the University and bodies not to be invalidated by vacancies.*—No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Ordinance or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

83. *Proceedings of the Senate, Syndicate and Academic Council.*—The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meetings.

84. *Dispute as to constitution of University Authority or body.*—If any question arises regarding the interpretation of any provision of this Ordinance or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require, and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

85. *Report on affiliated colleges.*—The Vice-Chancellor shall, at the end of every four years from the commencement of this Ordinance submit a report to the Government on the conditions of affiliated colleges.

86. *Protection of acts and orders.*—All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything done or purporting to be done in pursuance of this Ordinance and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

87. *Institutions affiliated to University.*—(1) All colleges existing in the University area immediately before the commencement of this Ordinance shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future maintenance and control.

88. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation:—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.

89. *Punishment for irregularities by teachers at examinations.*—(1) Any teacher of an affiliated college or a teacher of the University who—

(a) connives with, or assists, any candidate at an examination conducted by the University to do any malpractice at such examination; or

(b) delays the valuation and return of answer books of candidates at any such examination which have been given to him for valuation;

shall without prejudice to any other action that may be taken against him be liable for disciplinary action for imposition of a major penalty.

(2) Without prejudice to the provisions of sub-section (1), the recognition of a teacher referred to in that sub-section shall also be liable to be withdrawn.

90. *Registered Graduates.*—All graduates of the University constituted under this Ordinance and all graduates of any other University residing in the University area shall be entitled to be registered under the provisions of this Ordinance as graduates of the University constituted under this Ordinance:

Provided that all registered graduates of the Kerala University constituted under the Kerala University Act, 1974, who are employed, or are residing, within the territorial jurisdiction of the Gandhiji University constituted under the Ordinance, shall be deemed to be registered graduates of the Gandhiji University constituted under this Ordinance.

91. *Appointment of first Vice-Chancellor.*—Notwithstanding anything to the contrary contained in section 10, the Chancellor shall appoint such person as he thinks fit to be the first Vice-Chancellor of the University for a period not exceeding three years.

92. *Appointment of Registrar, Controller of Examinations and Finance Officer during initial period of two years.*—Notwithstanding anything contained in sections 12, 13 and 14, for a period of two years from the commencement of this Ordinance, the Registrar, the Controller of Examinations and the Finance Officer shall be appointed by the Chancellor for the said period, on a salary to be fixed by him and on such other conditions as he thinks fit:

Provided that the power under this section shall not be exercised by the Chancellor after the nomination of the Syndicate under section 94.

93. *Appointment of the first University Staff.*—Notwithstanding anything contained in this Ordinance, the Chancellor shall have power to appoint such officers and servants of the University as may be necessary for ensuring the working of the University.

94. *Nomination of first University authorities.*—Notwithstanding anything contained in this Ordinance, the first set of all the authorities of the University shall be nominated by the Chancellor for a period of two years from the date of nomination or till the constitution of those authorities in accordance with the Provisions of this Ordinance, whichever is earlier.

95. *Colleges and other institutions within the jurisdiction of the University.*—(1) All colleges and other educational institutions within the areas to which the jurisdiction of the University extends, which immediately before the commencement of this Ordinance were recognised by, or were affiliated to, the University of Kerala as institutions providing courses of study for admission to examinations of that University for degrees, diplomas and other academic distinctions shall be deemed to be institutions recognised by, or affiliated to, the Gandhiji University under this Ordinance and the provisions of this Ordinance shall apply accordingly.

(2) Any student of any college within the area referred to in sub-section (1) and affiliated to the University of Kerala immediately before the commencement of this Ordinance shall be permitted to complete his course under the University of Kerala, and the Gandhiji University shall provide for the instruction of such students in accordance with the course of study in the University of Kerala and shall comply with such directions as may be given to it by the University of Kerala in respect of those students.

96. *Transfer of service of certain employees from the University of Kerala to the Gandhiji University.*—(1) Any person in the employment of the University of Kerala may subject to such conditions and restrictions as may be specified by the Government in this behalf, opt to serve in connection with the affairs of the Gandhiji University.

(2) As soon as may be after the date of the commencement of this Ordinance, the Government may, after consulting the Vice-Chancellors of the University of Kerala and the Gandhiji University direct, by general or special order, that such of the employees of the University of Kerala as are specified in such order shall stand allotted to serve in connection with the affairs of the Gandhiji University with effect from such date as may be specified in such order.

(3) In making an order under sub-section (2), the persons who have opted under sub-section (1) to serve in connection with the affairs of the Gandhiji University shall be given preference.

(4) With effect from the date specified in an order under sub-section (2) the persons specified in such order and allotted to serve in connection with the Gandhiji University shall become employees of the Gandhiji University and shall cease to be employees of the University of Kerala.

(5) Every person who becomes an employee of the Gandhiji University under sub-section (4) shall hold office under that University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity, if any, and other matters as he would have held the same on the date specified in the order under sub-section (2), as if this Ordinance had not been promulgated.

(6) The liability to pay pension and gratuity to the persons referred to in sub-section (2) shall be the liability of the Gandhiji University.

97. *Transfer of accumulation in provident fund and other like funds.*—(1) The sums to the credit of the provident fund accounts of the persons referred to in sub-section (2) of section 96 as on the date specified in the order under that sub-section shall be transferred to the Gandhiji University, and the liability in respect of the said provident fund accounts shall be the liability of the Gandhiji University.

(2) There shall be paid to the Gandhiji University out of the accumulation in the superannuation fund and other like funds, if any, of the University of Kerala such amounts as have been credited to the superannuation fund and other like funds, if any, on behalf of the persons referred to in sub-section (2) of section 96.

(3) The amounts paid under sub-section (2) shall form part of the superannuation fund or other like funds, if any, that may be established by the Gandhiji University for the benefit of its employees.

98. *Apportionment of funds and assets of the University of Kerala.*—A Committee consisting of the Vice-Chancellor of the University of Kerala, the Vice-Chancellor of the Gandhiji University and the Secretary to the Government of Kerala, Finance Department, shall examine the question of transfer of funds and assets, other than those referred to in sub-section (3) of section 99 from the University of Kerala to the Gandhiji University and shall recommend to the Government the action to be taken in the matter, and the decision of the Government on such recommendation shall be final.

99. *Act* 17 *of* 1974 *not to apply.*—(1) Subject to the provisions of this section, the Kerala University Ordinance 1974(17 of 1974), shall, with effect from the date of the commencement of this Ordinance cease to apply in respect of the areas to which the jurisdiction of the Gandhiji University extends.

(2) Notwithstanding anything contained in sub-section (1), all Statutes and Ordinances made under the Kerala University Act, 1974 (17 of 1974) and in force on the date of the commencement of this Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance continue to be in force in respect of the areas referred to in sub-section (1) until they are replaced by the Statutes and Ordinances to be made under this Ordinance.

(3) All property, whether movable or immovable, including lands, buildings, equipments, books and library and all rights of whatever kind owned by or vested in or held in trust immediately before the date of the commencement of this Ordinance by the University of Kerala at the University

Study Centres at Palai, Kottayam and Changanacherry as well as all liabilities legally subsisting against the University of Kerala at these centres shall stand transferred to and vest in the Gandhiji University.

(4) Nothing in this section shall be held to prejudice or affect the application of sections 4 and 23 of the Interpretation and General Clauses Act, 1125 (VII of 1125).

100. *First Statutes and Ordinances.*—Notwithstanding anything contained in this Ordinance the first Statutes and the first Ordinances of the University shall be made by the Government.

101. *Removal of difficulties.*—(1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University or otherwise in giving effect to the provisions of this Ordinance the Government may by order do anything not inconsistent with the provisions of this Ordinance which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

102. *Repeal and saving.*—(1) The Gandhiji University Ordinance, 1983 (34 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATIONS

No. 62266/G3/83/HD. *Dated, Trivandrum, 26th December,* 1983.

(i)

S. R. O. No. 31/84.—In exercise of the powers conferred by sub-section (1) of section 9 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of Notification No. 9473/G3/82/HD-(i) dated the 13th March, 1982, published as S. R. O. No. 380/82 in the Kerala Gazette Extraordinary No. 206 dated the 17th March, 1982, the Government of Kerala hereby appoint Shri M. Damodaran, Health Inspector Grade-II, Kasaragod Municipality to be a Food Inspector for the purposes of the said Act and assign to him the area within the Kasaragode Municipality as the local area within which he shall exercise his powers under the said Act.

(ii)

S. R. O. No. 32/84.—In exercise of the powers conferred by sub-section (1) of section 20 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of Notification No. 9473/G3/82/HD-(ii) dated the 13th March, 1982, published as S. R. O. No. 381/82 in the Kerala

Gazette Extraordinary No. 206 dated the 17th March, 1982, the Government of Kerala hereby authorise Shri M. Damodaran appointed as Food Inspector under sub-section (1) of section 9 of the said Act in the Kasaragode Municipality to institute prosecutions for offences under the said Act within his jurisdiction.

By order of the Governor,

M. G. K. MURTHY,
Secretary.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Shri M. Damodaran, Health Inspector has been posted as Food Inspector, Kasaragode Municipality. It is necessary to appoint him as Food Inspector under the Prevention of Food Adulteration Act and to authorise him to institute prosecution for offences under the Act. The notifications are for the above purpose.

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